mandatory radio contact with the nearby Chennai AAI. Our cooperation and hospitality is misused by the United States of America and it appears they have taken photos of the Kalapakkam Atomic Power Plant and collected some secret information. Sir, this act is in violation of our sovereignty and it endangers the security of our country. I request that the Government should take a serious note of it and ask for an explanation from the captain of the destroyer John Young; it should also ask the destroyer to leave our harbour. The Government should also take it up with the US Government, register our protest and inform them that we would not allow our ports and airports to be used by USA.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI O. RAJAGOPAL): Sir, the hon. Member has brought certain information before the House. I will bring it to the notice of the Defence Minister. ...*(Interruptions)*...

SHRI EDUARDO FALEIRO (Goa) : An important issue has been raised. The Home Minister is present in the House. Will he react to the other issue also?

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Now Dr.(Shrimati) Rita Verma to move for leave to withdraw the Constitution (Eighty-third Amendment) Bill, 1997.

GOVERNMENT BILLS

The Constitution (Eighty-Third Amendment) Bill, 1997

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DR. (SHRIMATI) RITA VERMA): Sir, I beg to move for leave to withdraw the Constitution (Eighty-third Amendment) Bill, 1997.

The question was proposed

SHRI EDUARDO FALEIRO (Goa): Sir, I have given a notice to oppose the withdrawal of this Bill. This morning, along with our

parliamentary papers, we got a notice that the Constitution (Ninety-third Amendment) Bill, 2001, has been introduced in the other House. I submit that this is a breach of privilege. When...

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Please take your seat. You are referring to what happened in the other House. That is number one. Secondly, the Constitution (Eighty-third Amendment) Bill, 1997, is proposed to be withdrawn from this House, under rule 118 of the Rules of Procedure, which is perfectly in order. It is for the House to allow the withdrawal or otherwise. The new Bill is apparently in pursuance of the recommendation of the Standing Committee. Since a Bill on a similar subject has been introduced in the other House, the Chair cannot give a ruling thereon. As per the established convention, the proceedings of the Lok Sabha cannot be discussed in this House. Since due procedure for withdrawal and introduction is, apparently, being followed, no rights of the Members are infringed.

SHRI EDUARDO FALEIRO: Sir, I am only mentioning this. I would like you to reconsider it. Sir, look at my point. I am not referring the proceedings of the other House.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): That is true. But this Bill was listed in the List of Business of yesterday also. You could have given a notice earlier.

SHRI EDUARDO FALEIRO: Sir, the point I am leaving here for your consideration and future guidance of this House is this. When a Bill... ...*(Interruptions)*... This is an important matter.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Mr. Faleiro, I will ask the Minister to reply on these points.

SHRI EDUARDO FALEIRO: All right. Sir, I have raised the point of procedure for guidance in future. The point is this. When a Bill is pending consideration in one House, is it proper or possible or legal for the same Member, in this case, the Government, which had brought this Bill for consideration, to bypass its consideration and introduce a similar Bill in the other House? I leave it to your consideration.

Now, I proceed to oppose the withdrawal of the Bill on the following grounds. The Bill that we have before us and which is sought to be withdrawn, confers or seeks to create a Fundamental Right to education, in the terms mentioned here. Now, the Bill which is substituting this Bill will destroy this right. I will explain how it will be destroyed. The Bill which is now sought to be withdrawn says, "The State shall provide free and compulsory education to all citizens of the age of six to fourteen years." So, a right is thereby created when this amendment is passed. But if you look at the Bill which they want to bring in now, and which has been circulated to the Members of this House...

SHRI SANGH PRIYA GAUTAM (Uttaranchal): Sir, you have already given your ruling on that. How is the Member discussing this issue? ...*(Interruptions)*... I am asking the Chair.

SHRI EDUARDO FALEIRO: Sir, the Constitution (Ninety-third Amendment) Bill has been circulated to us.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Mr. Faleiro, I have already said that the new Bill is, apparently, in pursuance of the recommendation of the Standing Committee.

SHRI EDUARDO FALEIRO: No, it is not. I, myself, am a Member of that Committee. If you permit me, I will explain this.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI) : Okay; the Minister will clarify the position.

SHRI EDUARDO FALEIRO: Let me make the point. The point has been missed. The point I am making is this. I have mentioned the provision which is there in the Constitution (Eighty-third Amendment) Bill which creates a Fundamental Right. Now I will mention the provision of the new Bill which says, "The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may by law determine." When this amendment is passed, no fundamental right is created. It is said that the fundamental right will be created as and when, and if, a law is passed. Therefore, when we pass this 93rd Amendment Bill, we would get nothing, compared to what we would have got present Bill. Under the 93rd Amendment Bill, we would get nothing. This

is an act of hoodwinking the Parliament. This is a sleight of hand. On the one hand, you say that a right is created; on the other, you say that it would be created as and when, and if, a law is passed subsequently. So, this is an act of denial of the right of education which was sought to be created by the Bill, which is sought to be withdrawn now. This is point number one.

The second point I would like to make is, there is no provision of financing for this. In the 83rd Amendment Bill, in the Financial Memorandum, it is determined how the money would be obtained. The money, it was said, would be obtained on the basis of "sharing arrangements to be determined by a group of experts constituted for the purpose by the Ministry of Human Resource Development." The new Bill says nothing on it. Therefore, Sir, it is an act of misleading the House. ...*(Interruptions)*...

डा. महेश चन्द्र शर्मा (राजस्थान): उपसभाध्यक्ष महोदय, आपकी रूलिंग के बाद भी माननीय सदस्य बोलते चले जा रहे हैं। ...**(व्यवधान)**... उपसभाध्यक्ष महोदय, आपकी रूलिंग के बाद वह जो कुछ बोल रहे हैं वह रिकार्ड में नहीं आना चाहिए। ...**(व्यवधान)**... सर, वह रिकार्ड में नहीं आना चाहिए।

SHRI EDUARDO FALEIRO: Why are you afraid? There is no ruling. ...*(Interruptions)*...

डा. महेश चन्द्र शर्मा : उपसभाध्यक्ष महोदय, जिस बिल की बात वह कह रहे हैं उसका इससे कोई संबंध नहीं है। ...**(व्यवधान)**... वह क्या बोल रहे हैं? ...**(व्यवधान)**...

SHRI EDUARDO FALEIRO: Sir, both the Bills are before us. They were circulated to the Members. There is no financial provision in it. You are denying the fundamental right to education, which was sought to be conferred by the Bill which you want to withdraw now, that is, the 83rd Amendment Bill. Therefore, I oppose this sleight of hand. I oppose this hoodwinking of Parliament.

SHRI N. K. PREMACHANDRAN (Kerala): Sir, I would like to seek a clarification on the statement made by the hon. Minister.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): You have not given any notice in this regard.

SHRI N. K. PREMACHANDRAN: Sir, as per the statement circulated among the Members, for the withdrawal of the Bill, the Bill was introduced in the Rajya Sabha in 1997 and, subsequently, the Bill was referred to the Department-related Parliamentary Standing Committee on Human Resource Development. The Law Commission too has made some recommendations. My specific objection to the withdrawal is, why was this amendment not made in the original Bill of 1997? What is the reason for bringing in a new Bill?

DR. (SHRIMATI) RITA VERMA: Sir, at the outset, I would like to make it very clear that we respect this House. We have absolutely no intention of being disrespectful to this House. The withdrawal was listed for yesterday. The whole day, I was sitting here. In the meanwhile, my senior colleague, Dr. Joshi, moved the Constitution (93rd) Amendment Bill in the other House. It was not intentional. Sir, the Member is raising his objections on the new Bill. I would like to say that the new Bill has not been introduced yet. It is only the withdrawal of the earlier Bill. When the House gives its concurrence to the withdrawal of this Bill, we will come back with the Constiution (93rd) Amendmed Bill followed by a Central legislation, for which a Drafting Committee, consisting of representatives of the Ministry of Law, NIEPA, State Governments and other consultants, has already been constituted. So, the purpose of withdrawal of this Bill is to come back to the House with a more comprehensive Bill, in line with the recommendations of the Department-related Parliamentary Standing Committee. The finance and other details would be worked out later, as and when we discuss the new Bill. I think, my colleague wanted to know the reason as to why we are coming back with another Bill. The reason is, to make it more comprehensive. It is slightly different. In many ways, it is different from the earlier Bill.

Sir, the earlier Bill sought to delete article 45 totally. But the new Bill aims to retain it in an amended form so that the children in the age group of zero to six ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): The question of new Bill will come after its introduction in or passing by the Lok Sabha. ...*(Interruptions)*...

SHRI EDUARDO FALEIRO: Sir, I will support it. ...*(Interruptions)*... I just want to know when the new Central legislation will be brought. ...*(Interruptions)*...

DR. (SHRIMATI) RITA VERMA : After you give concurrence to the withdrawal of the earlier Bill.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI) : The question is:

"That leave be granted to withdraw the Constitution (Eighty-third) Amendment) Bill, 1997."

The motion was adopted.
The Bill was, by leave, withdrawn.

THE TEA DISTRICTS EMIGRANT LABOUR (REPEAL) REPEALING BILL, 2001

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI MUNI LAL): Sir, I beg to move for leave to introduce a Bill to repeal the Tea Districts Emigrant Labour (Repeal) Act, 1970.

The question was put and the motion was adopted.

SHRI MUNI LAL: Sir, I introduce the Bill.

STATEMENT BY MINISTER

Institute Of Technology (Amendment) Ordinance, 2001

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DR. (SHRIMATI) RITA VERMA): Sir, I lay on the Table a statement (in English and Hindi) explaining the circumstances which had necessitated immediate legislation by the Institute of Technology (Amendment) Ordinance, 2001.

THE INSTITUTES OF TECHNOLOGY (AMENDMENT) BILL, 2001

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DR. (SHRIMATI) RITA VERMA): Sir, I move for